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2016 Assisted Living Advisory Council Annual Report

The Legislature established the Assisted Living Advisory Council (ALAC) under Chapter 19D, § 17 of Massachusetts General Laws. The purpose of the ALAC is to advise the Secretary of the Executive Office of Elder Affairs (EOEA) regarding the regulations governing the certification of Assisted Living Residences (ALRs) in the Commonwealth. The ALR certification regulations (651 CMR 12.00) were initially promulgated in 1996 and were subsequently updated in 2002, 2006, and 2015. The ALR regulations were most recently reviewed in 2016, resulting in modifications that were enacted in January 2017.

Membership

The ALAC includes the Secretary of EOEA (or designee), the Secretary of the Executive Office of Health and Human Services (or designee), and the Undersecretary of Housing and Community Development (or designee). The ALAC also includes six appointed members. The Secretary of EOEA serves as chair of the ALAC.

During the past year, appointed members completed their terms resulting in some new members being appointed to the ALAC. Below is a list of the 2016/2017 members including their current status on the ALAC.

2016/2017 ALAC Members

Representing	Current Appointee	Previous Appointee
Resident consumer interest	Mary Jo Boynton	Michael Poissant
Resident consumer interest	Kimberly Martone	Paul Raia
Resident consumer interest	Dr. Lucian Leape	
Sponsor of ALR	May Shields, COE, Hearth Inc.	May Shields , COE, Hearth Inc.
Sponsor of ALR	Brian Danaher, VP and Deputy General Counsel, Benchmark Senior Living	Emily Meyer, Mass Assisted Living Facilities Association (MassALFA)
Not specified	<i>Open</i>	Elana Margolis
EOEA Designee and Chair	Alice Bonner, Secretary	Alice Bonner, Secretary
EOHHS Designee	Patricia Marchetti, Acting Director, Assisted Living Certification, EOEA	Patricia Marchetti, Acting Director, Assisted Living Certification, EOEA
Undersecretary Housing and Community Development Designee	Karen Bresnahan, Deputy Director of Policy	Karen Bresnahan, Deputy Director of Policy

In 2016, the ALAC members offered constructive suggestions relating to regulation changes and the creation and distribution of EOEAs Assisted Living Residence Survey. EOEAs is grateful to them for their time, energy, dedication and commitment.

Review of Past Year

The ALAC met on **March 22, 2016**. During the meeting, EOEAs:

- Presented the draft ALAC Annual Report for 2015 as well as minutes from the previous ALAC meeting. Both were reviewed and approved by the ALAC members.
- Distributed and reviewed the ALR Incident Reports Summary for calendar year 2015. Discussion ensued regarding what should be reported to EOEAs, especially with regards to falls. Secretary Bonner agreed that EOEAs would work to clarify definitions to ensure that it is clear what is asked for with regards to incident reports.
- Announced that there would be a review of the ALR regulations that would begin in June. Any proposed changes would be made public for comment, including ALAC feedback.

As part of the group conversation, ALAC members discussed employee recruitment and retention, as well as educational opportunities and challenges for entering the ALR workforce.

In addition, Richard Moore, MassALFA President and substitute for former ALAC member Emily Meyer (retired), announced that MassALFA would be conducting a survey of members related to aging in place. He also brought up Senate Bill 2139 for discussion, which would allow ALRs to provide limited skilled care. Finally, Mr. Moore stated that only 1/3 of the state's municipalities are using Silver Alert, though there is language in the ALR regulations requiring residences to participate. Trisha Marchetti from the EOEAs Assisted Living Certification Unit noted that not all municipalities are set up to record and track information submitted by ALRs.

The ALAC met on **June 28, 2016**. There was no quorum established and approval of March 22 meeting minutes was tabled until the next meeting. During the meeting, EOEAs:

- Reviewed the ALR regulation review process and timeline. The review was complete and any proposed changes had been sent to EOHHS and Administration and Finance. Upon final authorization from these agencies, the draft changes would be made available to the public.
- Announced that the agency would be distributing a survey to all ALRs in the coming months to solicit input on current services offered at ALRs.

The ALAC members had an active discussion related to Senate Bill 2139. Secretary Bonner noted that there were additional bill details that needed to be addressed and that legislators were in the process of soliciting input. Mr. Casey added that while the legislation would allow ALRs to add skilled care services, it wouldn't be an industry requirement.

The ALAC met on **September 27, 2016**. During the meeting, EOEAs staff:

- Introduced new EOEAs staff and ALAC members.
- Presented the 2015 Annual Aggregate Data Report, noting an incremental increase in special care units for consumers in need of specialized memory care.
- Announced that the EOEAs Assisted Living Survey had been distributed and closed, yielding a response rate of 55%.

A new ALAC member, Dr. Lucian Leape, had multiple questions related to the ALR industry overall. He was interested in knowing about waiting lists at ALRs. Mr. Moore stated that these lists were not typically too long; however, May Shields added that for many affordable Assisted Living the waiting lists can be extremely long. Dr. Leape also requested information about the official definition of Assisted Living in Massachusetts and the rate of ownership (non-profit vs. profit).

Secretary Bonner facilitated a discussion regarding how long people can remain in Assisted Living, and what issues prompt the consumer to transition from Assisted Living to long term care. Mr. Moore noted that the average age of consumers moving into ALR is 85-87 and, as a result, many consumers have complicated health problems, such as diabetes. Under the current regulations, ALR staff cannot give insulin injections, although a family member can. Secretary Bonner noted the challenge to provide just the right amount of services in Assisted Living so that people can stay as long as they want without over medicalizing the facility.

In addition, ALAC members provide updates from the industry including:

- A survey conducted by HEARTH found that 79% of their Assisted Living residents self-reported depression.
- MassALFA released a new report, *Economic Impact of Assisted Living Communities in Massachusetts*, that found that the Assisted Living industry contributes \$5 billion annually to the Massachusetts economy.
- A new UMass Boston study would be released shortly that documents that Massachusetts is the 6th most expensive state for seniors.

The December 27, 2016 ALAC meeting was cancelled and rescheduled for January 24, 2017, with the consent and input of the members.

Coming Year

The ALAC is scheduled to convene at least four times during 2017. At the first meeting in January, the ALAC will welcome and orient newly appointed members, review the results of the recent EOEA survey, and discuss future changes for the EOEA website to increase access to information and transparency.

Closing

EOEA is grateful to the Legislature for its continued interest in the ALR certification process, the regulations, and for creating the ALAC. With continued growth in the elder population and ALRs, the ALAC will continue to serve an important function in working with the EOEA Secretary to help ensure the safety and security of elders who choose to live in assisted living.